REMARKS

Claims 1-8 are pending. Claims 1-8 are rejected. Claims 1-4 and 7 are amended. Claim 9 has been added. No new subject matter has been added. Claims 1-9 remain pending. Reconsideration of the claims is requested in light of the following remarks.

The Examiner has rejected claims 1-3, 5, and 7-8 under 35 U.S.C. 102(e) as being anticipated by Shaffer. Specifically, the Examiner states that Shaffer discloses a system that compares a current processor availability with the expected processor usage required to establish a call. The Examiner then acknowledges if there are inadequate resources to establish a call in Shafer, then the call is placed in a queue until the resources become available. In this manner, the Examiner suggests that the call is temporarily denied.

The rejection is respectfully traversed. The call in Shafer is never denied as specified in claim 1 and the other independent claims, but simply put on hold until adequate resources become available.

However, claims 1, 3 and 7 have been amended to further clarify the patentable subject matter. For example, claim 1 specifies that the processor sets a call deny flag when the present gateway utilization value is larger than the gateway utilization threshold. If the processor detects an incoming call and the deny flag is set, the incoming call is immediately and permanently refused. This is precisely the opposite of Shafer where the call is never immediately nor permanently refused.

Further, claims 2 and 9 have been amended to specify setting the gateway utilization threshold to a value below a total available processing capacity of the gateway to ensure calls currently established on the gateway have access to additional gateway processing resources. One specified threshold specified in claim 9 is 70 percent of total processing capacity. This is described in the specification on page 5, lines 3-8.

The present invention ensures that the quality of the currently established calls is maintained regardless of the number of subsequently received calls. This is ensured by immediately and permanently denying calls when the utilization value exceeds the utilization threshold.
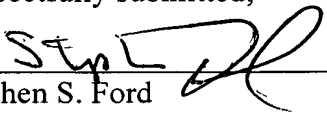
Conversely, the system in Shafer continues to place calls in reserve regardless of the utilization value. Shafer even admits that placing these calls on hold wastes gateway bandwidth and thus reduces the amount of available processing capacity for processing currently established calls. Col. 7, lines 34-40.

The present invention maximizes gateway utilization by immediately refusing calls when the processing threshold has been reached.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-9 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.
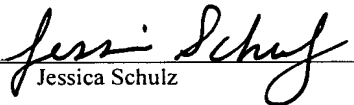
Respectfully submitted,

_____
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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